

**AMENDMENTS TO THE CLAIMS**

This listing of claims replaces all prior versions, and listings, of claims in the present application.

**IN THE CLAIMS:**

1. (Previously Presented - Allowed) An isolated nucleic acid comprising SEQ ID NO:1 wherein said nucleic acid is operably linked to a polynucleotide encoding a protein of interest, wherein said nucleic acid promotes expression of said polynucleotide located downstream thereof.

2-5. Canceled.

6. (Previously Presented - Allowed) An isolated nucleic acid comprising SEQ ID NO:2.

7. (Currently Amended) A recombinant vector comprising the nucleic acid according to any one of claims ~~1, 2~~ or 6, and a polynucleotide encoding a protein of interest located downstream of said nucleic acid, wherein said nucleic acid is operably linked to said polynucleotide and promotes expression of said polynucleotide.

8. (Currently Amended) A method for promoting expression of a polynucleotide encoding a protein of interest, comprising inserting the nucleic acid according to any one of claims ~~1-2~~ or 6 into a site upstream of said polynucleotide, wherein said nucleic acid is operably linked to said polynucleotide and promotes expression of said polynucleotide,

whereby the expression of said polynucleotide encoding said protein of interest is promoted.

9. (Previously Presented) A plant in which expression of a desired polynucleotide encoding a protein of interest is promoted by the method according to claim 8, or a progeny of said plant that also expresses the desired polynucleotide encoding a protein of interest, in which expression of a desired polynucleotide encoding a protein of interest is promoted by the method according to claim 8.

10. (Previously Presented) The method according to claim 8, wherein the nucleic acid is inserted into a site 0 base pairs to 1000 base pairs upstream from the polynucleotide encoding a protein of interest.

11. (Canceled).

12. (Previously Presented) A plant comprising the recombinant vector according to claim 7, or a progeny of said plant, wherein the progeny comprises the recombinant vector according to claim 7.